

Attachment N

Declaration of Nancy Smith

Declaration of Nancy Smith

Pursuant to 28 U.S.C. § 1746

I, Nancy Smith, hereby declare and state as follows:

1. I am a U.S. Citizen over the age of eighteen and reside in Auburn, Georgia.

2. I have personal knowledge of the following facts, to which I could and would testify to if I were called to testify as a witness.

3. In the spring of 2017, I bought a Lexus from U.S. Auto with a loan I took out with the company. My previous car got into a car accident and that made it hard for me to purchase a new vehicle at other dealerships. When I went into the U.S. Auto dealership, I found that it was easy for me to purchase a vehicle, as all that was asked of me was whether I had a checking account and a source of income.

4. At the dealership a U.S. Auto representative told me that they would insure my car and that I would be making bi-weekly payments on my car note. I accepted the terms and put down a deposit to purchase my vehicle.

5. I made my car note payments over the phone. I was paying my car note on time, but there would be times that I would be told by U.S. Auto representatives that they did not receive my payments. This led to U.S. Auto disabling my vehicle five or more times. Each time my car was disabled I would have to call customer service to have them turn my vehicle back on.

6. This continued and in January 2018, while I was out to dinner with my friends, U.S. Auto sent a tow truck to repossess my car. I called U.S. Auto and asked why my car was being repossessed. The representative told me that they were repossessing my car because they did not receive the payment for my car note. This was incorrect because I did make my car note payment for the month.

7. I had to take an Uber all the way to Fairburn, Georgia to pick up my car. When I picked up my car, I saw that the front of my car was damaged. I called U.S. Auto to let them know that my car was damaged, and I was told that they would get the tow truck company to repair it. This never happened and I was left with a damaged vehicle. This incident was upsetting to me

1 because I made my car note payment for the month, but U.S. Auto still repossessed by car and that
2 repossession caused my car to get damaged.

3 8. My car got repossessed again in 2019. I was at my house, and I heard a noise outside
4 from my driveway. I went to see what was going on and I saw that my car was getting repossessed. I
5 told the tow truck driver that this was a mistake because I paid my car note for the month. The tow
6 truck driver still went ahead and repossessed my car after I told him this. I then called U.S. Auto and
7 spoke to a representative to let them know my car was repossessed even though I paid my car note
8 for the month. The representative confirmed that I did make my payment and my car was not
9 supposed to be repossessed. The representative apologized to me, called the tow truck driver and
10 told the driver to bring my car back.

11 9. My car was repossessed for the final time during the summer of 2020. This was
12 during the height of the pandemic, and I was not working. I called U.S. Auto to let them know that I
13 had lost my job, and I would not be able to make my car note payment during that time. Once U.S.
14 Auto heard that I would not be able to make my car note payment, they sent a tow truck to
15 repossess my car. They repossessed my vehicle before I even missed my payment.

16 10. U.S. Auto did not return my car and instead put it up for auction. I was told that if
17 my car sold for the balance I still owed, then my debt with them would be cleared. I still owed U.S.
18 Auto \$10,000 at the time, so I was told that my car had to sell for \$10,000 or more for my debt to be
19 cleared.

20 11. When U.S. Auto sold my car, a representative told me that my car only sold for
21 \$2,000 so I owed \$8,000 for the remaining balance. I protested this because I was doubtful that my
22 car would sell for only \$2,000, as it was in good condition. I requested documentation from U.S.
23 Auto which showed my car was sold for \$2,000 but U.S. Auto did not respond to my request.

24 12. When my vehicle was wrongfully repossessed, it was difficult for me to get to work
25 because my job was one hour away from where I lived. I would typically try and get a ride to work
26 through friends or family. If I was unable to do this, then I would take an Uber to work. Taking an
27 Uber to work would cost me around \$100 per trip so there were times when I would pay \$200 to get
28 to work and to my house. I almost lost my job because I did not have my car. I would either come

late to work or I would have to call out of work if I had no alternative means of getting there. It was also difficult to take my kids to school because I did not have my car. This whole ordeal caused me great emotional distress.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11 8, 2023.



Nancy Smith